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June 1, 2009

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H.  
*for* Director and Health Officer

SUBJECT: **MOTION PICTURE AND TELEVISION HOSPITAL**

At the April 28, 2009 Board meeting, the Department of Public Health (DPH) was asked to respond to concerns raised during public comment regarding the closure of the Motion Picture and Television Acute Care Hospital and Skilled Nursing Facility (Motion Picture). Among the issues raised were complaints and allegations about Motion Picture, including non-compliance with a relocation plan reviewed and approved by the DPH Health Facilities Inspection Division (HFID). In response to these complaints, your Board inquired as to whether the residents have any right to appeal the decision by HFID to approve the facility's relocation plan.

**Relocation Plan Requirements**

When a skilled nursing facility closes, California Health & Safety Code requires the facility to relocate residents to an appropriate facility and provide notice to the resident or the resident's representative at least 30 days prior to the relocation. State law further requires that, if ten or more residents are to be transferred, the facility must prepare a relocation plan and obtain approval from the State before it becomes effective. In Los Angeles County, plan review and approval is performed by DPH HFID under contract with the State.

According to County Counsel, neither the Health & Safety Code nor any other part of the statutory or regulatory scheme for the regulation of skilled nursing facilities provides residents or third parties with an administrative appeal of the State's or HFID's approval of a facility's relocation plan or the determination of a facility to close. This analysis has been confirmed with the California Department of Public Health, the State Office of Legal Services Licensing and Certification, and the Office of the Attorney General.

However, although no administrative appeal is available, a resident could challenge approval of a relocation plan by filing a writ of mandate in superior court that challenges a government entity's performance of or failure to perform a "ministerial duty."

**Actions to Date**

In January 2009, Motion Picture submitted a relocation plan to HFID. HFID determined that the plan complied with the requirements of Health & Safety Code, and approved the plan. Subsequently, Motion Picture notified residents. Currently, the facility is scheduled to close in October 2009.

On May 18, 2009, in response to allegations, HFID conducted a recertification survey/complaint investigation of Motion Picture. As part of the survey process, the evaluators met with the residents of the facility and their family members and reviewed medical records. There was no evidence that Motion Picture was not appropriately implementing its relocation plan as alleged in the complaints. To date, no residents of the facility or their family members have received discharge notices.

Additionally, complaints have alleged that the pending closure, and consequent transfer of residents, has contributed to the deaths of 21 residents at the facility. HFID reviewed all of the resident deaths during the recertification survey/complaint investigation. Fourteen residents were found to be on hospice care, and the remaining seven residents were found to have died due to pre-existing medical conditions. There was no indication that any of the resident deaths were related to transfer-induced trauma as alleged in the complaint.

HFID remains available to answer any questions and/or conduct follow-up investigations on complaints that are received. In continuing its administrative inquiry of the facility, HFID will continue to request resident death information for immediate administrative review.

If you have any questions or need additional information, please let me know.

JEF:jf

c: Chief Executive Officer  
Acting County Counsel  
Executive Officer, Board of Supervisors